

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

WILLIAM L. CHINN, SR.
Claimant

VS.

GOODYEAR TIRE & RUBBER COMPANY
Respondent

AND

**TRAVELERS INSURANCE/CONSTITUTION
STATE SERVICE COMPANY**
Insurance Carrier

)
)
)
)
)
)
)
)
)
)
)

Docket No. 242,939

ORDER

This claim returns to the Board pursuant to the Court of Appeals' order for remand. In an April 27, 2001 unpublished decision, the Court of Appeals directed the Board to modify its finding regarding claimant's functional impairment rating by increasing the rating to 17.5 percent. The Court stated, in part:

The Board correctly agreed with the methodology of the ALJ in arriving at a functional impairment rating. However, the Board erred in stating that Dr. Zimmerman's fourth edition rating was 21 percent when in fact it was 25 percent. Averaging the 21 percent rating with Dr. Baker's 10 percent rating resulted in the Board's erroneous 15.5 percent finding in its order of award.

. . .

Affirmed in part and remanded with directions to adjust the functional impairment rating from 15.5 percent to 17.5 percent.

The Board, following the directions of the Court of Appeals, concludes that claimant has a 17.5 percent whole body functional impairment. Therefore, the Board modifies its April 25, 2000 Order and increases claimant's permanent partial general disability from 15.5 percent to 17.5 percent.

AWARD

WHEREFORE, the Board modifies its April 25, 2000 Order and increases the permanent partial general disability to 17.5 percent.

William L. Chinn, Sr., is granted compensation from Goodyear Tire & Rubber Company and its insurance carrier for a June 16, 1998 accident and resulting disability. Based upon an average weekly wage of \$1,476.59, Mr. Chinn is entitled to receive 72.63 weeks of permanent partial general disability benefits at \$351 per week, or \$25,493.13, for a 17.5 percent permanent partial general disability, making a total award of \$25,493.13, which is all due and owing less any amounts previously paid.

All other orders set forth in the April 25, 2000 Order remain in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of June 2001.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Roger D. Fincher, Topeka, KS
John A. Bausch, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director